

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30769 of 2016

Arising Out of PS.Case No. -32 Year- 2015 Thana -MAHILA PS District- KATIHAR

Pradeep Mandal @ Pradeep Kumar Mandal, son of Ramesh Mandal, resident of village - Sakraili Shanti Chowk, Police Station - Barari (OP Semapur), District - Katihar.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Ratnakar Ambastha, Advocate.

For the Opposite Party : Mr. Satyadev Prasad Singh Yadav, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 17-09-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 15.06.2016 in connection with Mahila P.S. Case No. 32 of 2015 for the offences instituted under Sections 376, 323 and 225/34 of the IPC.

The prosecution story, in brief, is that in the night of 16.06.2015 at about 1.00 A.M., when the informant was sleeping in her house, in the meantime, petitioner entered into her house and committed rape upon her. Thereafter, the petitioner snatched away her ear-ring and trying to flee away but he was caught hold by the people of the locality. In the next morning, the family members of the petitioner came to the house of the informant and

they got released the petitioner from the clutch of the informant.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 15.06.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. He has got no criminal antecedent. F.I.R. has been instituted after 10 days of the alleged occurrence. The medical examination report of the victim do not support the allegations made in 164 Cr. P.C. statement of the victim. The petitioner is the next door neighbour of the victim. He is aged 18 years and is a student as to when the victim is an elderly lady aged 35 years. Out of enmity, the present prosecution has been brought against the petitioner.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Katihar, in connection with Mahila P.S. Case No. 32/2015.

U.K./-

(Sudhir Singh, J)

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